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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,310	12/16/2004	Ernst Horvath	2002P09312WOUS	6665

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

MATTIS, JASON E

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,310

Applicant(s)

HORVATH ET AL.

Examiner

Jason E. Mattis

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18, 19, 22 and 24-34 is/are rejected.
- 7) ☒ Claim(s) 20, 21, and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1 paper</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. More specifically, claim 34 is directed to a "packet-oriented communication". A "packet-oriented communication" is a signal, and thus, is non-statutory. It is recommended that claim 34 be amended such that it is directed towards statutory subject matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 18, 19, 22, 24, 25, 27, 28, and 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ress et al. (U.S. Pat. 6885658 B1).

With respect to claims 18, 33, and 34, Ress et al. disclose a signaling control device operating a method for controlling a connection in a packet communication network (**See the abstract, column 14 lines 54-64, and Figure 14 of Ress et al. for reference to an H.323 agent 1402, which is a signaling control device, operating a method for controlling a bi-directional media stream, which is a connection, in a packet communication network**). Ress et al. also discloses prompting a first of a plurality of end points connected via a data channel to close the data channel by transmitting a first signaling message by the signaling control device (**See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to the H.323 agent 1402 prompting an H.323 endpoint 1200, which is a first of a plurality of endpoints 1200 and 1400 connected via the data channel, to close the data channel by transmitting an H.254 TCS=0 message, which is a known message used to prompt the termination of a connection, as show in line 3 of Figure 14**). Ress et al. further discloses transmitting a confirmation request message to a second of the end points by the signaling control device with the confirmation request message prompting the second endpoint to transmit a confirmation message to the signaling control device after the successful closure of the data channel (**See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to H.323 agent 1402 transmitting an H.245 close logical channel message, which is a message that requests an acknowledgement after a successful closure of a data channel, to the**

endpoint 1200, which is a second endpoint that is the same as the first endpoint as in the embodiment of claim 22, and for reference to the endpoint 1200 sending an H.245 close logical channel acknowledgment message in response to the received message after the successful closure of the channel). Ress et al. also discloses the signaling control device prompting an end point to open at least one new user data channel by transmitting a second signaling message in consequence of receiving the confirmation message (See column 15 lines 31-54 and Figure 15 of Ress et al. for reference to the H.323 agent 1402 prompting the endpoint 1200 to open a new user data channel by transmitting a TCS message, as shown in line 5 of Figure 15, after the previous channel had been closed by the procedure of Figure 14).

With respect to claim 19, Ress et al. discloses the transmission of the confirmation request message being effected in the context of the user data closure channel closure prompted by the first message resulting in the second end point confirming the data channel closure (See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to H.323 agent 1402 transmitting an H.245 close logical channel message to the endpoint 1200 in response to the sent TCS=0 message, meaning the H.245 close logical channel message is effected in the context of the TCS=0 message resulting in endpoint 1200 sending the H.245 close logical channel acknowledgement to confirm the data channel closure).

With respect to claim 22, Ress et al. discloses the first communication end point being identical to the second communication end point (See column 14 line 54 to

column 14 line 18 and Figure 14 of Ress et al. for reference to the endpoint 1200 being both the first and second claimed endpoint).

With respect to claim 24, Ress et al. discloses the confirmation request being an a generic message extended to include a specific confirmation request information element (See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to using a generic H.245 close logical channel message extended to indicated that an acknowledgement of the channel closure had been requested).

With respect to claim 25, Ress et al. discloses the confirmation message being an a generic message extended to include a specific confirmation information element (See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to using a generic H.245 close logical channel acknowledgment message extended to indicated that an acknowledgement of the channel closure).

With respect to claim 27, Ress et al. discloses the network being set up according to the ITU-T recommendation H.323 (See column 2 line 57 to column 3 line 10 of Ress et al. for reference to the network using H.323).

With respect to claim 28, Ress et al. discloses using an H.245 terminal capability set message with an empty capability set as the first signaling message (See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to using an H.254 TCS=0 message, which is a terminal capability set message with an empty capability set, as show in line 3 of Figure 14).

With respect to claim 30, Ress et al. discloses the network being set up according to the IETF standard SIP (**See column 2 line 57 to column 3 line 10 of Ress et al. for reference to the network using SIP**).

With respect to claim 31, Ress et al. discloses that the confirmation request specifies whether or not the closure should be confirmed (**See column 14 line 65 to column 15 line 18 and Figure 14 of Ress et al. for reference to an H.245 close logical channel acknowledgment being expected after any time an H.245 close logical channel message is sent meaning the H.245 close logical channel message is an indication that an acknowledgment of channel closure has been requested**).

With respect to claim 32, Ress et al. discloses the confirmation message specifying whether the closed channel was a transmission or a receiving channel (**See column 14 line 65 to column 15 line 28 of Ress et al. for reference to the close logical channel and close logical channel acknowledgment messages specifying a transmission or receiver channel by specifying if they are for corresponding logical channel 1 or logical channel 2**).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ress et al. in view of Lee et al. (U.S. Pat. 7031279 B2).

With respect to claim 26, Lee et al. does not specifically disclose transmitting a channel closure message via a signaling control device from the first end point to another end point.

With respect to claim 26, Lee et al., in the field of communications, discloses transmitting a channel closure message from one end point to another end point via a signaling control device (See column 10 line 52 to column 11 line 21 and Figure 6A of Lee et al. for reference to sending MT2, which is an endpoint, sending a message S134, which indicates a channel closure, via a gatekeeper, which is a singling control device, to MT1, which is another endpoint). Transmitting a channel closure message from one end point to another end point via a signaling control device has the advantage of allowing one end point to notifying another end point of a channel closure so the channel my be closed by both end points on both ends of the connection.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Lee et al., to combine transmitting a channel closure message from one end point to another end point via a signaling control device, as suggested by Lee et al. with the system and method of Ress et al., with the motivation being to allow one end point to notifying another end point of a channel closure so the channel my be closed by both end points on both ends of the connection.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ress et al. in view of Thornton et al. (U.S. Pat. 6363065 B1).

With respect to claim 29, Ress et al. does not specifically disclose the confirmation request message and the confirmation message being configured as RAS messages according to H.225.0.

With respect to claim 29, Thornton et al., in the field of communications, discloses a confirmation request message and a confirmation message being configured as RAS messages according to H.225.0 (**See column 59 lines 36-60 and Figure 23 of Thornton et al. for reference to using a DRQ message, which is an RAS channel closure confirmation request message according to H.225.0, and a DCF messages, which is an RAS confirmation message according to H.225.0**). Using a confirmation request message and a confirmation message being configured as RAS messages according to H.225.0 has the advantage of using messages already defined within the protocol standards such that the request and confirmation are backwards compatible.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Thornton et al., to combine using a confirmation request message and a confirmation message being configured as RAS messages according to H.225.0, as suggested by Thornton et al. with the system and method of Ress et al., with the motivation being to of use messages already defined

within the protocol standards such that the request and confirmation are backwards compatible.

Allowable Subject Matter

7. Claims 20, 21, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 would be allowable since none of the prior art of record discloses or renders obvious the limitations of transmitting a confirmation request message effective to a connection set-up such that an end point is prompted to transmit a confirmation message to a signaling control device after successful closure of a user data channel for the duration of the connection.

Claim 21 would be allowable since none of the prior art of record discloses or renders obvious the limitations of transmitting a confirmation request message effective to a registration with a signaling control device such that an end point is prompted to transmit a confirmation message to the signaling control device after successful closure of a user data channel for the duration of the registration.

Claim 23 would be allowable since none of the prior art of record discloses or renders obvious the limitations of a signaling control device analyzing signaling traffic transmitted in the context of a connection to identify successful closure of a data

channel if a confirmation message does not reach the signaling device within a predefined time interval.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

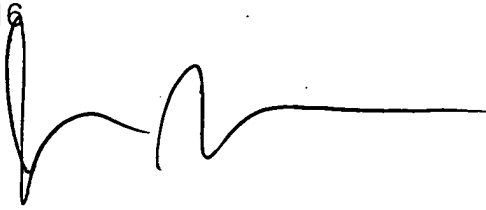
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Jason E Mattis
Examiner

Application/Control Number:
10/518,310
Art Unit: 2616

Page 11

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Art Unit 2616